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**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF UTAH – CENTRAL DIVISION**

In Re: Randall and Kimberly Eaves

Debtors.

Case No.: 12-20380

Chapter: 7

Hon. William T. Thurman

[FILED ELECTRONICALLY]

MOTION TO VACATE DISMISSAL AND REINSTATE CASE

The Debtors in the above-titled case humbly request of the Court an order vacating the administrative dismissal and to reinstate said case as (1) the filing fee has been paid in full and (2) the Joint Debtor's father's stage four cancer interfered with their ability to timely pay their filing fee installment.

JURISDICTION

1. This Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334.

Venue is proper under 28 U.S.C. §§ 1408 and 1409. This is a core proceeding as defined in 28 U.S.C. § 157(b).

BACKGROUND

2. Debtors' case was dismissed on February 22, 2012 for failure to pay their final filing fee installment payment in a timely fashion.
3. Debtors paid the filing fee in full on February 29, 2012 seven days later.

RELIEF REQUESTED

4. Through this Motion, Debtors seek to have the dismissal of their case vacated and to have said case reinstated so that they may prosecute it to discharge.

GROUND FOR RELIEF

5. Debtors state that BOTH (1) the filing fee has been paid in full, and (2) grounds exist under 11 U.S.C. § 105(a) for an entry of an order vacating the dismissal , *to wit*:

- 1) Kimberly's father has been diagnosed with stage four cancer;
- 2) During the relevant time period when the Debtors should have paid their initial filing fee installment, they were with her father, offering him emotional support and palliative care; and
- 3) Based on the emotional strain suffered by both Debtors, they neglected to contact the Court and/or Counsel to make payment arrangements for the initial installment fee.

NO PRIOR REQUEST

6. No prior request for the relief sought in this Motion has been made to this or any other court.

WHEREFORE, Debtors respectfully request to have the dismissal of their case vacated and to have said case reinstated so that they may prosecute it to discharge.

Dated this 6th of March, 2012

/s/ John Christiansen

John W Christiansen
Attorney for Debtors

CERTIFICATE OF MAILING

I hereby certify that on March 6, 2012, I transmitted a copy of this foregoing motion and all attachments to the following:

Kenneth Rushton Tr
(via electronic notice)

United States Trustee
(via electronic notice)

/s/ John Christiansen
McKell Christiansen Law
Attorney for Debtor